

Appl. No : **09/379,704**
Filed : **August 24, 1999**

REMARKS

With this Amendment, Claims 3 and 41-52 are pending in the present application, and Claim 45 is amended.

Allowable Subject Matter

Applicant gratefully notes the Examiner's indication that Claims 3 and 41-44 are allowed over the prior art. Applicant notes that Claim 52 was previously amended to depend from Claim 41, and thus is also in condition for allowance. Applicant respectfully disagrees with the Examiner's reasons for allowance to the extent that there is any implication that the patentability of the claims rests on the recitation of a single feature, because it is the combination of features that makes the claims patentable.

35 U.S.C. § 112, Second Paragraph

Claims 45-52 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 45 has been amended as indicated above to eliminate the element identified by the Examiner as lacking antecedent basis. It is believed that Claims 45-52 are clear and definite as presented above.

Obviousness under 35 U.S.C. § 103

Claims 45-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hawkinson et al. (4,901,869) and Johnson et al. (5,806,690). The Examiner asserted that it would have been obvious to modify the push plate (18) of Hawkinson et al. by adding the underlying extensions (56a and 56b) of Johnson et al. Applicant respectfully disagrees with the Examiner's characterization of the cited references. Applicant submits that it would not have been obvious to make the suggested modification of Hawkinson et al, since such a modification would require substantial reconstruction and re-design of the system of Hawkinson et al. Presumably, the Examiner believes that the underlying extensions (56a and 56b) of Johnson et al would be attached to the depending member (30) of Hawkinson et al. Applicant submits that the purpose of the depending member (30) described in Hawkinson et al. is to retain a spring (26) for biasing the push plate forwards (see Column 2, lines 10-14 of Hawkinson). Applicant submits that the proposed modification would interfere with the functionality of the spring (26) as required by Hawkinson et al. Applicant submits that this interference would require a person having ordinary skill in the art to change the principle of

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operation of the system of Hawkinson et al., and would therefore not have been obvious to such a person.

Nonetheless, Claim 45 has been amended to more clearly define portions of the combination recited therein. Claim 45 now recites, *inter alia*, "wherein the first and second inside flanges are configured to engage portions of the first and second bottom surfaces while the sliding surface engages the first and second top surfaces throughout a sliding motion of the pusher block along the first and second raised rails." Applicant submits that this amendment finds support in the specification: for example, see the description of the embodiment of pusher block and track interaction at page 11, line 22 through p. 13, line 6 (paragraphs [0041] and [0042] of the application publication).

Additionally, Claims 46-50 recite additional unique combinations of limitations that are also not suggested by the prior art of record. For at least the above reasons, Applicant respectfully submits that Claims 45-50 are not rendered obvious by the prior art of record, and Applicant respectfully requests that the rejections be withdrawn.

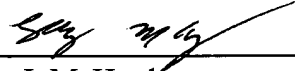
CONCLUSION

The undersigned has made a good faith effort to respond to all of the rejections and objections in the present application and to place the claims into condition for allowance. Nevertheless, if any issues remain which can be resolved by telephone, the Examiner is respectfully requested to call Applicant's representative at the number indicated below in order to resolve such issues promptly.

Respectfully submitted,

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Dated: 3/16/04

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